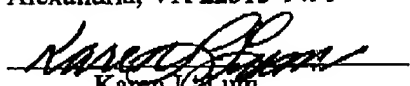


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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Filed: April 18, 2001	)	Mail Stop Appeal Brief-Patents,
	)	Commissioner for Patents
TC/AU: 2623	)	P.O. Box 1450
	)	Alexandria, VA 22313-1450
Examiner: Usha Raman	)	
	)	Karen K. Lunn
Docket No.: PD-200297	)	
	)	<u>December 21, 2007</u>
Title: DVR WITH ENHANCED	)	Date of Signature
FUNCTIONALITY	)	<b>CUSTOMER NO. 20991</b>

**BRIEF ON APPEAL**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the Notice of Appeal received at the USPTO on September 21, 2007, in connection with the above-identified patent application, Applicant respectfully submits the instant Brief on Appeal in accordance with 37 C.F.R. § 41.37.

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**I. Real Party In Interest**

The real party in interest in the appeal is The DIRECTV Group, Inc.

**II. Related Appeals and Interferences**

There are no related appeals or interferences.

**III. Status of the Claims**

The application on appeal was filed on April 18, 2001 including claims 1-109. Previously, claims 6, 12, 22, 61, 67, and 77 were Cancelled. Claims 1-5, 7-11, 13-21, 23-60, 62-66, 68-76, and 78-109 are pending in this application. The pending claims are presented in the Claims Appendix of this Brief. Claims 1-5, 7-11, 13-21, 23-60, 62-66, 68-76, and 78-109 stand rejected. Therefore, claims 1-5, 7-11, 13-21, 23-60, 62-66, 68-76, and 78-109, of which claims 1 and 56 are independent, form the subject matter of this appeal.

A Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending "Reference" Application identifying US Application No. 09/837,843, which was filed on April 18, 2001, was filed on December 20, 2005 and a copy was included in the response to the first final Office action filed on June 12, 2006.

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**IV. Status of the Amendments**

No amendments were filed after the final Office action. No further amendments are necessary.

**V. Summary of the Claimed Subject Matter**

Although reference numerals and specification citations are inserted below in accordance with 37 C.F.R. 41.37(c)(1)(v), these reference numerals and citations are merely examples of where support may be found in the specification for the terms used in this section of the brief. There is no intention to in any way suggest that the terms of the claims are limited to these examples. Although, as demonstrated by the reference numerals and citations below, the claims are fully supported by the specification as required by law, it is improper under the law to read limitations from the specification into the claims. Pointing out specification support for the claim terminology as is done here to comply with rule 41.37(c)(1)(v) does not in any way limit the scope of the claims to those examples from which they find support. Nor does this exercise provide a mechanism for circumventing the law precluding reading limitations into the claims from the specification. In short, the reference numerals and specification citations are not to be construed as claim limitations or in any way used to limit the scope of the claims.

The invention, as defined in claim 1, includes a method comprising receiving the available content using one or more tuners (40, 41 of FIG. 2) (Page 9, lines 13-18) and performing a plurality of operations on the available

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content received from the one or more tuners (40, 41 of FIG. 2) (Abstract and Page 4, line 4 to Page 6, line 4), the plurality of operations including: selecting at least one recorded event from the available content, based on thumbnail, preview, or snippet (Page 5, line 18 to Page 6, line 4 and Page 31, lines 6-16), tracking a list of recorded programs for duplicates when a record operation is initiated (Page 31, line 26 to Page 32, line 18), and activating a preference to erase a recording of a program that is identified as a duplicate (Page 32, lines 12-18).

The invention, as defined in claim 56, includes an apparatus comprising one or more tuners (40, 41 of FIG. 2) for receiving the available content (Page 9, lines 13-18) and a control unit (75 of FIG. 2) for performing a plurality of operations on the available content received from the one or more tuners (40, 41 of FIG. 2) (Abstract and Page 4, line 4 to Page 6, line 4), wherein the plurality of operations includes: selecting at least one recorded event from the available content, based on thumbnail, preview, or snippet (Page 5, line 18 to Page 6, line 4 and Page 31, lines 6-16), tracking a list of recorded programs for duplicates when a record operation is initiated Page 31, line 26 to Page 32, line 18), and activating a preference to erase a recording of a program that is identified as a duplicate (Page 32, lines 12-18).

#### **VI. Grounds of Rejection To Be Reviewed on Appeal**

The grounds of rejection to be reviewed on appeal are as follows:

Ground 1	Whether claims 1, 13-21, 23-29, 34-37, 56, 68-76, 78-84, and 89-92 are Patentable Over Vallone et al. (US
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6,847,778) in view of Liebenow (US 6,601,074) and Browne et al. (WO 92/22983) under 35 USC § 103.

- Ground 2 Whether claims 1-5, 7-11, 56-50, and 62-66 are patentable over Browne et al. (WO 92/22983) in view of Liebenow (US 6,601,074) under 35 USC § 103.
- Ground 3 Whether claims 1-2, 30-31, 38-47, 50, 53-57, 85-86, 93-96, 104, and 107-109 are patentable over Wood et al. (US Pub. No. 2002/0054752) in view of Lieberow and Browne et al. under 35 USC § 103.
- Ground 4 Whether claims 32-33 and 87-88 are patentable over Wood et al. in view of Liebenow, Browne et al., and Lewis (US Pub. No. 2005/0198677) under 35 USC § 103.
- Ground 5 Whether claims 48, 51, 97-102, and 105 are patentable over Wood et al. in view of Liebenow, Browne et al., and Gudesen (US 5,761,607) under 35 USC § 103.
- Ground 6 Whether claims 49 and 103 are patentable over Wood in view of Liebenow, Browne et al., and Halford (US 5,283,791) under 35 USC § 103.
- Ground 7 Whether claims 52 and 106 are patentable over Wood et al. in view of Liebenow, Browne et al., and Hassell et al. (US Pub. No. 2004/0128658) under 35 USC § 103.

## VII. Argument

- Ground 1 Claims 1, 13-21, 23-29, 34-37, 56, 68-76, 78-84, and 89-92 are Patentable Over Vallone et al. (US 6,847,778) in view of Liebenow (US 6,601,074) and Browne et al. (WO 92/22983) under 35 USC § 103.

The second final Office action mailed May 22, 2007, contends (and the Advisory Action mailed August 20, 2007 maintains), that it would have been obvious in light of the teachings of Vallone, Liebenow, and Browne to track a

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list of recorded programs for duplicates when a record operation is initiated and activating a preference to erase a recording of a program that is identified as a duplicate.

The examiner admits in the second final Office action that Vallone does not describe tracking a list of recorded programs for duplicates when a record operation is initiated and activating a preference to erase a recording of a program that is identified as a duplicate. (second final Office action, 2:21-23-3:1-2). Therefore, the examiner's finding must be based on the teachings of Liebenow and Browne.

However, as described below, Liebenow and Browne taken separately or in concert fail to describe or suggest tracking a list of recorded programs for duplicates when a record operation is initiated and activating a preference to erase a recording of a program that is identified as a duplicate.

Liebenow is directed to episode identification in an electronic program guide in conjunction with a recording device. In particular, Liebenow describes determining, before a program to be recorded begins, whether or not the program has been previously recorded. (Liebenow, 5:27-31). Liebenow describes that a decision whether or not to record the program is made based on the determination as to whether or not the program was previously recorded. (Liebenow, 5:58-59). In one implementation, Liebenow describes that a program will not be recorded if the program has been previously recorded. (Liebenow, 5:58-6:3). In the only alternate implementation, Liebenow describes that a second copy of a program is recorded if the second

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copy can be recorded with a higher quality than a previously recorded copy. (Liebenow, 6:22-24). However, the forgoing descriptions from Liebenow do not describe or suggest erasing recordings that are duplicates.

In fact, Liebenow does not describe or suggest deleting any previously-recorded programs nor suggest that such deletion may be desirable or even feasible using the suggested recording media. In fact, Liebenow describes intentionally creating duplicates of programs:

record a second copy of a program, if the second copy can be recorded with a higher quality than the previous copy. (Liebenow, 6:22-24) (emphasis added)

As an example, suppose that a user records a particular episode of a program on a VCR tape. The user subsequently purchases a DVD recorder/player. If the previously recorded episode airs again, a preferred method according to the present invention will record the episode on DVD, since the quality of the recording can be increased by using a higher quality recording medium. Alternatively, a program stored on a VCR tape from a standard broadcast program will be recorded again, if the program later becomes available for recording from a DVD, because the quality of the recording can be increased by recording from a higher quality source. (Liebenow, 6:27-47) (emphasis added)

In other words, while Liebenow describes selective recording based on certain criteria (i.e., the presence of a duplicate recording and the quality of the duplicate recording compared to the quality of the current recording), Liebenow fails to describe or suggest erasing programs that are identified as duplicates.

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Browne is directed to a large capacity, random access, multi-source recorder player. Browne describes a preference menu allowing a user to establish a preference for deleting the oldest recorded program, the oldest viewed program, or programs selected by a user of the player (Browne: FIG. 3, block 301). The portions of Browne cited in the Office action do not describe or suggest deleting a program that is identified as a duplicate.

The second final Office action does not allege that Browne describes deleting a program that is identified as a duplicate. Instead, the examiner relies on a combination of Liebenow and Browne. The second final Office action states that "The motivation is to manage storage by deleting unnecessary data and providing the view ease of identification for selection of program." (second final Office action, 3:16-17). However, as described below, this motivation is not supported by the cited references.

While Browne describes the deletion of an oldest recorded program, an oldest viewed program, or programs selected by a user for deletion, Browne does not describe the occurrence of, nor handling of duplicates, let alone the deletion of such duplicates. The examiner argues that Liebenow implicitly identifies duplicates as undesirable data and that Browne describes the deletion of undesirable data. (Advisory action mailed August 20, 2007, 3:1-11). However, the examiner's characterization of Liebenow is incorrect.

Liebenow does not identify duplicates as unnecessary data. In fact, Liebenow even describes the intentional creation of duplicate recordings. (Liebenow, 6:19-47). In other words, while Liebenow describes the creation



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of duplicates, Liebenow does not describe or suggest that the created duplicates are somehow unnecessary or should be removed from the system.

Despite Liebenow's explicit teaching of intentionally creating duplicate recordings, the examiner erroneously contends that the mere creation of a duplicate when a higher quality recording is possible suggests that a duplicate recording is undesirable (Advisory action mailed August 20, 2007, 3:1-11). This contention is unsupported by any description from Liebenow. Further, there are many reasons that it would be desirable to retain a lower quality recording after a higher quality recording is made. A higher quality recording or media may not be supported by a media presentation device. For example, a media presentation device that only includes a VCR cannot play a DVD. Therefore, even if a higher quality DVD recording exists, a VCR tape is not undesirable. Thus, there is no reason to believe that Liebenow's creation of duplicates must mean that Liebenow views duplicates as unnecessary data.

Even if Liebenow and Browne together described all of the recitations of claims 1 and 56, the motivation for combination alleged in the Office action is not supported by the citations to Liebenow and Browne. Rather, the applicants respectfully submit that the motivation is based on the applicants' own disclosure that suggests that the deletion of duplicates is desirable. When making obviousness rejections, the references used must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention. See *Hodosh v. Block Drug Co., Inc.*, 229 U.S.P.Q. 182, 187 n.5

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(Fed. Cir. 1986). "Impermissible hindsight must be avoided and the legal conclusion [of obviousness] must be reached on the basis of the facts gleaned from the prior art." MPEP § 2142.

Therefore, no combination of Liebenow and Browne properly describes tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate.

#### **Claim 1 and Dependents Thereon**

Claim 1 recites a method comprising, *inter alia*, tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate. As described above, the combination of Vallone with Liebenow and Browne fails to describe or suggest tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate. Consequently, for at least the forgoing reasons, the rejection of claim 1 and all claims depending therefrom are deficient and must be overturned.

#### **Claim 56 and Dependents Thereon**

Claim 56 recites an apparatus comprising, *inter alia*, a control unit for, among other things, tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate. As described above, the combination of Vallone with Liebenow and Browne fails to describe or

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suggest tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate. Consequently, for at least the forgoing reasons, the rejection of claim 56 and all claims depending therefrom are deficient and must be overturned.

**Ground 2** Claims 1-5, 7-11, 56-50, and 62-66 are patentable over Browne et al. (WO 92/22983) in view of Liebenow (US 6,601,074) under 35 USC § 103.

As described in Ground 1, the combination of Browne and Liebenow fails to describe or suggest tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate.

#### **Claim 1 and Dependents Thereon**

Claim 1 recites a method comprising, *inter alia*, tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate. As described above, the combination of Browne and Liebenow fails to describe or suggest tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate. Consequently, for at least the forgoing reasons, the rejection of claim 1 and all claims depending therefrom are deficient and must be overturned.

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**Claim 56 and Dependents Thereon**

Claim 56 recites an apparatus comprising, *inter alia*, a control unit for, among other things, tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate. As described above, the combination of Browne and Liebenow fails to describe or suggest tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate. Consequently, for at least the forgoing reasons, the rejection of claim 56 and all claims depending therefrom are deficient and must be overturned.

**Ground 3** Claims 1-2, 30-31, 38-47, 50, 53-57, 85-86, 93-96, 104, and 107-109 are patentable over Wood et al. (US Pub. No 2002/0054752) in view of Liebenow and Browne et al. under 35 USC § 103.

The final Office action admits that Wood fails to describe or suggest tracking a list of recorded programs for duplicates when a record operation is initiated and activating a preference to erase a recording of a program that is identified as a duplicate. (Final Office action, 11:3-7). The final Office action relies on a combination of Liebenow and Browne for describing such recitations. However, as described in Ground 1, the combination of Liebenow and Browne fails to describe or suggest tracking a list of recorded programs

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for duplicates when a record operation is initiated and activating a preference to erase a recording of a program that is identified as a duplicate.

**Claim 1 and Dependents Thereon**

Claim 1 recites a method comprising, *inter alia*, tracking a list of recorded programs for duplicates when a record operation is initiated and activating a preference to erase a recording of a program that is identified as a duplicate. As described above, the combination of Browne and Liebenow fails to describe or suggest tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate. Consequently, for at least the forgoing reasons, the rejection of claim 1 and all claims depending therefrom are deficient and must be overturned.

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**Claim 56 and Dependents Thereon**

Claim 56 recites an apparatus comprising, *inter alia*, a control unit for, among other things, tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate. As described above, the combination of Browne and Liebenow fails to describe or suggest tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate. Consequently, for at least the forgoing reasons, the rejection of claim 56 and all claims depending therefrom are deficient and must be overturned.

**Ground 4**     **Claims 32-33 and 87-88 are patentable over Wood et al. in view of Liebenow, Browne et al., and Lewis (US Pat. No. 2005/0198677) under 35 USC § 103.**

**Claims 32-33**

Claims 32 and 33 are ultimately dependent on claim 1. As established in Grounds 1-3, claim 1 and all claims dependent thereon are patentable over the cited references. Therefore, based at least on the dependence of claims 32 and 33 on claim 1, the rejection of claims 32 and 33 must be overturned.

**Claims 87-88**

Claims 87 and 88 are ultimately dependent on claim 56. As established in Grounds 1-3, claim 56 and all claims dependent thereon are

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patentable over the cited therefore. Therefore, based at least on the dependence of claims 87 and 88 on claim 56, the rejection of claims 87 and 88 must be overturned.

**Ground 5** Claims 48, 51, 97-102, and 105 are patentable over Wood et al. in view of Liebenow, Browne et al., and Gudesen (US 5,761,607) under 35 USC § 103.

**Claims 48 and 51**

Claims 48 and 51 are ultimately dependent on claim 1. As established in Grounds 1-3, claim 1 and all claims dependent thereon are patentable over the cited therefore. Therefore, based at least on the dependence of claims 48 and 51 on claim 1, the rejection of claims 48 and 51 must be overturned.

**Claims 97-102, and 105**

Claims 97-102, and 105 are ultimately dependent on claim 56. As established in Grounds 1-3, claim 56 and all claims dependent thereon are patentable over the cited therefore. Therefore, based at least on the dependence of claims 97-102, and 105 on claim 56, the rejection of claims 97-102, and 105 must be overturned.

**Ground 6** Claims 49 and 103 are patentable over Wood in view of Liebenow, Browne et al., and Halford (US 5,283,791) under 35 USC § 103.

**Claim 49**

Claim 49 is ultimately dependent on claim 1. As established in Grounds 1-3, claim 1 and all claims dependent thereon are patentable over the

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cited therefore. Therefore, based at least on the dependence of claim 49 on claim 1, the rejection of claim 49 must be overturned.

**Claim 103**

Claim 103 is ultimately dependent on claim 1. As established in Grounds 1-3, claim 1 and all claims dependent thereon are patentable over the cited therefore. Therefore, based at least on the dependence of claim 103 on claim 1, the rejection of claim 103 must be overturned.

**Ground 7**     **Claims 52 and 106 are patentable over Wood et al. in view of Liebenow, Browne et al., and Hassell et al (US P ub. No. 2004/0128658) under 35 USC § 103.**

**Claim 52**

Claim 52 is ultimately dependent on claim 1. As established in Grounds 1-3, claim 1 and all claims dependent thereon are patentable over the cited therefore. Therefore, based at least on the dependence of claim 52 on claim 1, the rejection of claim 52 must be overturned.

**Claim 106**

Claim 106 is ultimately dependent on claim 1. As established in Grounds 1-3, claim 1 and all claims dependent thereon are patentable over the cited therefore. Therefore, based at least on the dependence of claim 106 on claim 1, the rejection of claim 106 must be overturned.



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**Conclusion**

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

By:



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Date: December 21, 2007

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**VIII. Claims Appendix**

1. (Previously Presented) A method of processing available content, comprising:

receiving the available content using one or more tuners; and

performing a plurality of operations on the available content received from the one or more tuners, the plurality of operations including: selecting at least one recorded event from the available content, based on thumbnail, preview, or snippet, tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate.

2. (Previously Presented) The method of claim 1, wherein said performing step includes selecting at least one recorded event from the available content, based on actor, actress, director, program title, key word, key phrase, tag information, synopsis, release date, critical review, related program, or sequel.

3. (Original) The method of claim 2, wherein said selecting is initiated via remote control.

4. (Original) The method of claim 2, wherein said selecting is achieved by a user browsing through information related to the available content stored on at least one storage medium.

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5. (Original) The method of claim 1, wherein said performing step includes alerting a user to an attempt to record a program from the available content that has already been recorded on at least one storage medium.

6. (Cancelled)

7. (Previously Presented) The method of claim 1, wherein said performing step includes outputting a notification to a user if a duplicate exists.

8. (Original) The method of claim 7, wherein a duplicate exists if tag information matches.

9. (Previously Presented) The method of claim 1, wherein said performing step includes displaying characteristics of the selected program to record with a best match in the at least one storage medium for comparison by the user.

10. (Previously Presented) The method of claim 1, wherein said performing step includes prompting the user with a notification and the option to view the possible match to confirm that the user is about to record a duplicate.

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11. (Previously Presented) The method of claim 1, wherein said performing step includes sending a notification after the duplicate identification, asking the user if any or all portions of the duplicate program should be erased.

12. (Cancelled)

13. (Original) The method of claim 1, wherein said performing step includes displaying a status of a program from the available content the user is watching.

14. (Original) The method of claim 13, wherein the status may include a current delay, a status indicator, available record time, medium capacity, out-of-space alert, or attributes.

15. (Original) The method of claim 14, wherein the current delay allows the user to see how far the recording is behind a live feed when pausing the live signal.

16. (Original) The method of claim 14, wherein the status indicator indicates whether the content a user is watching is live or recorded.

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17. (Original) The method of claim 14, wherein available record time indicates an amount of time available for recording.

18. (Previously Presented) The method of claim 1, wherein said performing step includes converting paused programming to recorded programming during a channel change.

19. (Original) The method of claim 18, wherein said performing step includes prompting a user near an end of a pause time window whether permanent recording is desired.

20. (Original) The method of claim 19, wherein paused programming and permanent programming is stored in different portions of at least one storage medium.

21. (Original) The method of claim 20, wherein a portion of the at least one storage medium reserved for paused programming is variable.

22. (Cancelled)

23. (Previously Presented) The method of claim 1, wherein said performing step includes permitting a user to capture and store a snippet of digital audio/video from the available content for later

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playback.

24. (Original) The method of claim 23, wherein the snippet is saved to an external device.

25. (Original) The method of claim 24, wherein the external device is a computer, high-density disk, or CDR.

26. (Original) The method of claim 23, wherein the digital audio/video from the available content is decoded.

27. (Original) The method of claim 23, wherein the digital audio/video from the available content is encoded.

28. (Previously Presented) The method of claim 23, wherein the digital audio/video is converted to analog data.

29. (Original) The method of claim 28, wherein the external device is a VCR or other analog mass storage device.

30. (Original) The method of claim 1, wherein said performing step includes permitting a user to rewind recording in an increment for playback of a portion of the available content.

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31. (Original) The method of claim 30, wherein the increment corresponds to a duration a remote control button is depressed.

32. (Original) The method of claim 30, wherein a loop may be established so that the instant replay is played repeatedly until stopped by a user.

33. (Original) The method of claim 30, wherein a loop may be established so that the instant replay is played repeatedly until a certain number of loops have been completed.

34. (Original) The method of claim 1, wherein said performing step includes enabling a user to jump back from a live broadcast to a last paused video segment.

35. (Original) The method of claim 34, wherein the jump back is triggered by a remote control.

36. (Original) The method of claim 34, wherein after resuming a live broadcast from a paused program, the jump back is back to a last paused point.

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37. (Original) The method of claim 36, wherein after the jump back, the paused program is played back from the last pause point.

38. (Original) The method of claim 1, further comprising:  
creating a personalized database from the available content.

39. (Original) The method of claim 38, said creating step including:  
receiving an electronic program guide with available content;  
receiving preferences indicating potentially desired content;  
scanning the electronic program guide for the potentially desired content; recording the potentially desired content located by said scanning;  
aggregating a library of potentially desired content by iterating said scanning and recording steps; creating a database, which catalogs the potentially desired content;  
selecting content from the database and permitting on-demand viewing of the selected content from the library of potentially desired content by a user.

40. (Original) The method of claim 39, further comprising:  
determining a schedule of the potentially desired content; and  
resolving conflicts in the schedule; said recording step recording the potentially desired content according to the resolved schedule.



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41. (Original) The method of claim 39, further comprising:  
permitting a user to edit the library of potentially desired content.
42. (Original) The method of claim 39, further comprising:  
permitting a user to organize the library of potentially desired content.
43. (Original) The method of claim 39, further comprising:  
permitting a user to add at least one comment to at least one portion of the  
library of potentially desired content.
44. (Original) The method of claim 39, further comprising:  
waiting until the potentially desired content is about to be broadcast, said  
recording step synchronizing the recording according to said waiting step.
45. (Original) The method of claim 39, said inputting  
including inputting criteria indicating one or more potentially desired content.
46. (Original) The method of claim 39, said inputting  
including determining potentially desired content selections based on  
previously selected content.
47. (Original) The method of claim 39, wherein said recording  
step is performed on at least one storage medium.

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48. (Original) The method of claim 47, wherein the at least one storage medium is reconfigurable.

49. (Original) The method of claim 47, further comprising synchronizing access of the at least one storage medium to avoid periods of inaccessibility.

50. (Original) The method of claim 47 further comprising, providing a synch pulse to confirm availability of the at least one storage medium.

51. (Original) The method of claim 47, wherein the at least one storage medium is expandable.

52. (Original) The method of claim 47, wherein at least one storage medium is automatically loaded.

53. (Previously Presented) The method of claim 47, wherein the potentially desired content includes a first content and a second content, said method further comprising:

receiving the first content on the one or more tuners;

receiving the second content on a second tuner; and

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simultaneously recording the first content and the second content.

54. (Previously Presented) The method of claim 47, wherein the potentially desired content includes a first content, a second content and a third content, said method further comprising:

receiving the first content on a first tuner of the one or more tuners;

receiving the second content on a second tuner;

receiving the third content on a third tuner, determining whether the recording of the first content has been completed; and

simultaneously recording the second and the third content.

55. (Previously Presented) The method of claim 47, wherein the potentially desired content includes a first content, a second content and a third content, said method further comprising:

receiving the first content on a first tuner of the one or more tuners;

receiving the second content on a second tuner;

receiving the third content on a third tuner,

performing on demand play back of the first and/or second content simultaneous with the recording of the first and/or second content; and

performing on demand play back of the second and/or third content simultaneous with the recording of the second and/or third content.

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56. (Previously Presented) An apparatus for processing available content, comprising:

- one or more tuners for receiving the available content; and
- a control unit for performing a plurality of operations on the available content received from the one or more tuners, wherein the plurality of operations includes: selecting at least one recorded event from the available content, based on thumbnail, preview, or snippet, tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate.

57. (Previously Presented) The apparatus of claim 56, wherein said control unit permits selection of at least one recorded event from the available content, based on actor, actress, director, program title, key word, key phrase, tag information, synopsis, release date, critical review, related program, or sequel.

58. (Original) The apparatus of claim 57, wherein said selection is initiated via remote control.

59. (Original) The apparatus of claim 57, wherein said selection is achieved by a user browsing through information related to the available content stored on at least one storage medium.

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60. (Original) The method of claim 57, wherein said control unit alerts a user to an attempt to record a program from the available content that has already been recorded on at least one storage medium.

61. (Cancelled)

62. (Previously Presented) The apparatus of claim 6, wherein said control unit outputs a notification to a user if a duplicate exists.

63. (Original) The apparatus of claim 62, wherein a duplicate exists if tag information matches.

64. (Previously Presented) The apparatus of claim 6, wherein said control unit displays characteristics of the selected program to record with a best match in the at least one storage medium for comparison by the user.

65. (Previously Presented) The apparatus of claim 6, wherein said control unit prompts the user with a notification and the option to view the possible match to confirm that the user is about to record a duplicate.

66. (Previously Presented) The apparatus of claim 6, wherein said control unit sends a notification after the duplicate identification,

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asking the user if any or all portions of the duplicate program should be erased.

67. (Cancelled)

68. (Original) The apparatus of claim 56, wherein said control unit displays a status of a program from the available content the user is watching.

69. (Original) The apparatus of claim 68, wherein the status may include a current delay, a status indicator, available record time, medium capacity, out-of-space alert, or attributes.

70. (Original) The apparatus of claim 69, wherein the current delay allows the user to see how far the recording is behind a live feed when pausing the live signal.

71. (Original) The apparatus of claim 69, wherein the status indicator indicates whether the content a user is watching is live or recorded.

72. (Original) The apparatus of claim 69, wherein available record time indicates an amount of time available for recording.

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73. (Previously Presented) The apparatus of claim 56, wherein said control unit converts paused programming to recorded programming during a channel change.

74. (Original) The apparatus of claim 73, wherein said control unit prompts a user near an end of a pause time window whether permanent recording is desired.

75. (Original) The apparatus of claim 74, wherein paused programming and permanent programming is stored in different portions of at least one storage medium.

76. (Original) The apparatus of claim 75, wherein a portion of the at least one storage medium reserved for paused programming is variable.

77. (Cancelled)

78. (Previously Presented) The apparatus of claim 56, wherein said control unit permits a user to capture and store a snippet of digital audio/video from the available content for later playback.

79. (Original) The apparatus of claim 78, wherein the snippet is saved to an external device.

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80. (Original) The apparatus of claim 79, wherein the external device is a computer, high-density disk, or CDR.

81. (Original) The apparatus of claim 78, wherein the digital audio/video from the available content is decoded.

82. (Original) The apparatus of claim 78, wherein the digital audio/video from the available content is encoded.

83. (Previously Presented) The apparatus of claim 78, wherein the digital audio/video is converted to analog data.

84. (Original) The apparatus of claim 83, wherein the external device is a VCR or other analog mass storage device.

85. (Original) The apparatus of claim 56, wherein said control unit permits a user to rewind recording in an increment for playback of a portion of the available content.

86. (Original) The apparatus of claim 85, wherein the increment corresponds to a duration a remote control button is depressed.



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87. (Original) The apparatus of claim 85, wherein a loop may be established so that the instant replay is played repeatedly until stopped by a user.

88. (Original) The apparatus of claim 85, wherein a loop may be established so that the instant replay is played repeatedly until a certain number of loops have been completed.

89. (Original) The apparatus of claim 56, wherein said control unit enables a user to jump back from a live broadcast to a last paused video segment.

90. (Previously Presented) The apparatus of claim 89, wherein the jump back is triggered by a remote control.

91. (Original) The apparatus of claim 89, wherein after resuming a live broadcast from a paused program, the jump back is back to a last paused point.

92. (Original) The apparatus of claim 91, wherein after the jump back, the paused program is played back from the last pause point.

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93. (Original) The apparatus of claim 56, wherein said control unit creates a personalized database from the available content.

94. (Original) The apparatus of claim 93, further comprising:  
a receiving device operatively connected to a content feed;  
at least one storage medium operatively connected to said receiving device; said receiving device receiving an electronic program guide, said electronic program guide indicating a plurality of available content to be broadcast to said receiving device via the content feed;  
said control unit operatively connected to said at least one storage medium; said control unit determining potentially desired content by scanning the electronic program guide for content matching user preferences;  
said control unit controlling said at least one storage medium to record the potentially desired content to create an on-demand video library;  
said control unit creating a database which catalogs the potentially desired content; a user input device operatively connected to said control unit,  
said user input device permitting a user to interact with the database and enter play-back commands, said control unit playing back one or more of the recorded content from said at least one storage medium on demand from the user in response to the play-back commands from said user input device.

95. (Original) The apparatus of claim 94, further comprising: a display device operatively connected to said at least one storage medium, said

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display device receiving the played-back content from said at least one storage medium and displaying the played-back content.

96. (Original) The apparatus of claim 94, said receiving device and said control unit being provided in a unit, said at least one storage medium external to the unit and operatively connected to the unit.

97. (Original) The apparatus of claim 94, wherein said at least one storage medium is expandable so as to accommodate a larger video library.

98. (Original) The apparatus of claim 94, said at least one storage medium including a plurality of modular storage devices operatively connectable to said receiving device.

99. (Original) The apparatus of claim 94, wherein the content feed supplies content in an encrypted form and said at least one storage medium stores the desired content in the encrypted form, the apparatus further comprising:

a decryption unit operatively connected to said at least one storage medium, said decryption unit decrypting the desired content supplied from said storage device.

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100. (Original) The apparatus of claim 94, wherein the content feed supplies content in an encrypted form and said at least one storage medium stores the desired content in the encrypted form, the apparatus further comprising:

a switching device operatively connected to said receiving device, said at least one storage medium and said control unit;

a decryption unit operatively connected to said switching device and to said at least one storage medium, said decryption unit decrypting the desired programs supplied from said at least one storage medium;

wherein said control device controls said switching device to route the encrypted content to either said at least one storage medium or to said decryption unit.

101. (Original) The apparatus of claim 100, said electronic program guide including a port that receives program guide information.

102. (Original) The apparatus of claim 94, wherein the at least one storage medium is reconfigurable.

103. (Original) The apparatus of claim 94, wherein said control unit synchronizes access of the at least one storage medium to avoid periods of inaccessibility.

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104. (Original) The apparatus of claim 94, said system providing a synch pulse to confirm availability of the at least one storage medium.

105. (Original) The apparatus of claim 94, wherein the at least one storage medium is expandable.

106. (Original) The apparatus of claim 94, wherein the at least one storage medium is automatically loaded.

107. (Previously Presented) The apparatus of claim 94 further comprises a second tuner, wherein the potentially desired content includes a first content received by the one or more tuners and a second content received by the second tuner, and said system simultaneously records the first content and the second content.

108. (Previously Presented) The apparatus of claim 94 further comprises a second tuner and third tuner, wherein the potentially desired content includes a first content received by the one or more tuners, a second content received by the second tuner and a third content received by the third tuner, and said system determines whether the recording of the first content has been completed, and simultaneously records the second and the third content.

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109. (Previously Presented) The apparatus of claim 94 further comprising a second tuner and a third tuner, wherein the potentially desired content includes a first content received by a first tuner of the one or more tuners and a second content received by the second tuner and a third content received by the third tuner, and said system performs on demand play back of the first and/or second content simultaneous with the recording of the first and/or second content; and performs on demand play back of the second and/or third content simultaneous with the recording of the second and/or third content.

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**IX. Evidence Appendix**

No evidence under 37 C.F.R. § 1.130, 1.131, or 1.132 is being relied upon. All evidence relied upon was cited by the examiner.

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**X. Related Proceedings Appendix**

None.